

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 3, 2022

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: December 22, 2021
Subject: Petition for annexation and zoning designation for 0.70 acres on Little River Neck Road [Z-21-35]	Division: Planning and Development

Background:

David Prince, owner and agent for the owner, has petitioned the City of North Myrtle Beach to annex ±0.70 acres of property located on Little River Neck Road and identified by PIN 352-01-04-0017. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Low-Medium Density (R-1B). The subject area is identified as Residential Suburban on the Future Land Use Map, and the request is consistent with the comprehensive plan.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned Commercial Forest/Agriculture (CFA) under Horry County jurisdiction. The parcel currently houses a single-family dwelling and a detached garage. Surrounding parcels within City limits are Planned Development District (PDD) within the Tidewater PDD; adjacent unincorporated county parcels are zoned MSF 14.5 Residential (MSF 14.5). Upon annexation, the parcel would be designated R-1B as per Exhibit A: Zoning Map (Z-21-35), prepared by the City of North Myrtle Beach Planning & Development Department depicting the annexation boundary. A proposed ordinance has been attached for Council’s review.

Proposed Zoning: R-1B District

	Single-Family Dwelling	Church	Other Permitted Uses
Minimum Site Area	6,000 SF	1 acre	7,000 SF
Minimum Lot Width	50 feet	NA	NA
Minimum Yards	Front	25 feet	25 feet
	Side	5 feet	25 feet
	Rear	20 feet	25 feet
Maximum Impervious Surface Ratio	50%	60%	50%
Maximum Building Height	35 feet	45 feet	25 feet

Note:¹A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

Planning Commission Action:

The Planning Commission conducted a public hearing on December 7, 2021 and voted to recommend approval of the annexation and zoning designation, citing “A”, where necessary to implement the comprehensive plan. There was no public comment.

Recommended Action:

Approve the proposed ordinance on first reading

Reviewed by Division Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 0.70 ACRES IDENTIFIED AS PIN 352-01-04-0017.**

WHEREAS, David Prince, owner and agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 0.70 acres consisting of the following parcel PIN 352-01-04-0017 as referenced on Exhibit A: Zoning Map (Z-21-35), prepared by the City of North Myrtle Beach Planning & Development Department depicting the annexation boundary, which is attached hereto and incorporated herein by reference; and

WHEREAS, the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances; and

WHEREAS, the City Council has received a report from the Planning Commission recommending the subject property be zoned Single-Family Low-Medium Density (R-1B) upon annexation; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

Section 1. Annexation. That parcel identified by PIN 352-01-04-0017 (the “Annexed Parcel”), consisting of approximately 0.70 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

Section 2. Zoning Designation. The Annexed Parcels are hereby designated and zoned as Single-Family Low-Medium Density (R-1B).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2022.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

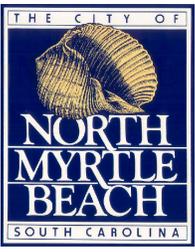
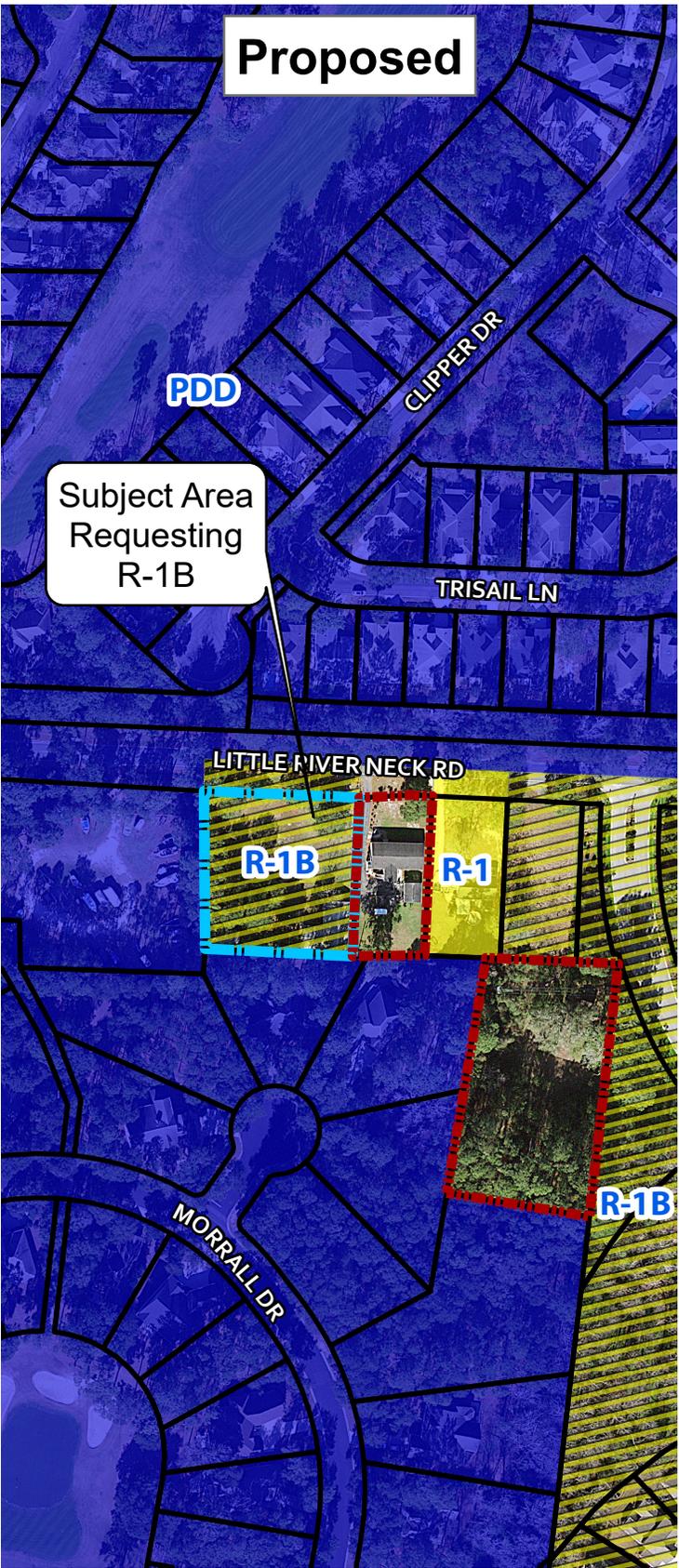
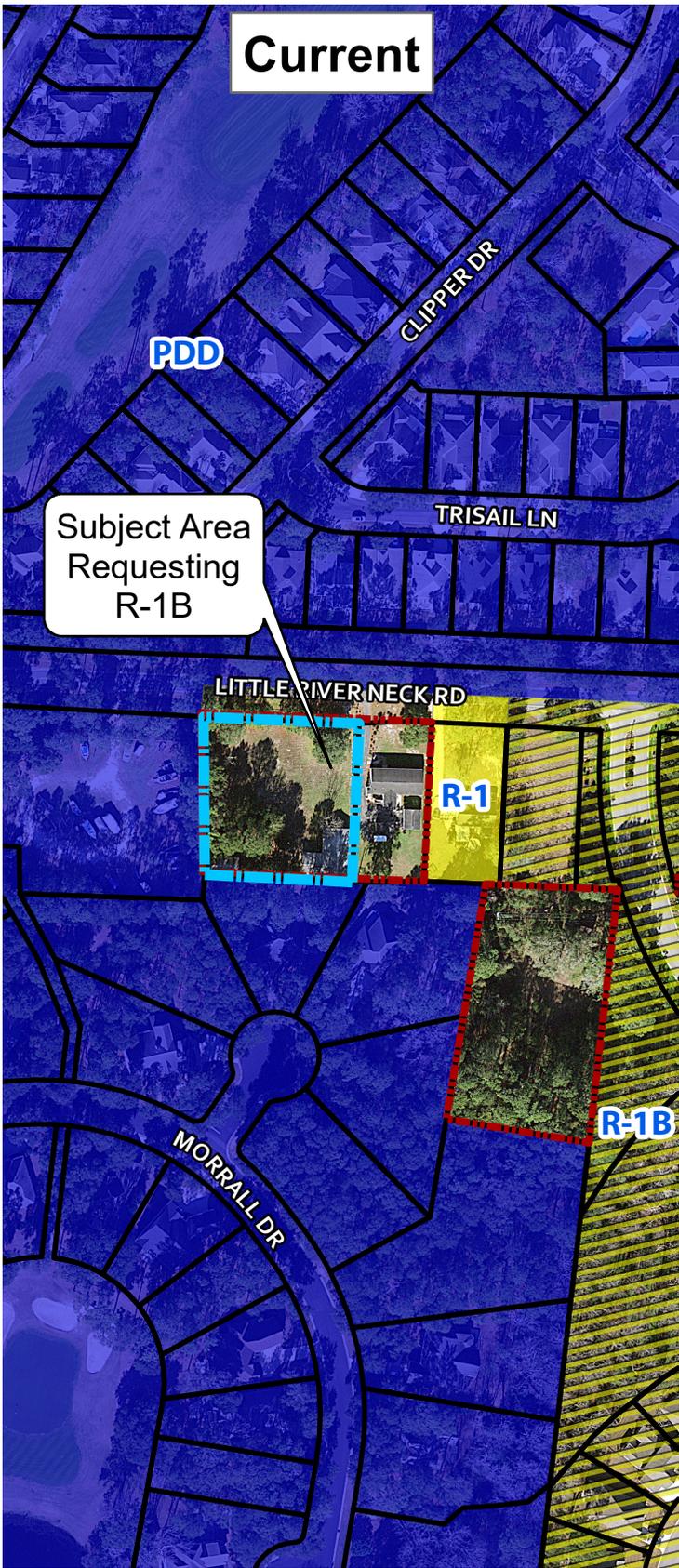
FIRST READING: 1.3.2022
SECOND READING: _____

City Attorney

REVIEWED:

ORDINANCE: 22-01

City Manager



Legend

-  Subject Area
-  North Myrtle City Limits
- ZONING**
-  PDD
-  R-1
-  R-1B



Exhibit A: Zoning Map (Z-21-35)

7D. ANNEXATION & ZONING DESIGNATION Z-21-35: City staff received a petition to annex lands on Little River Neck Road totaling ±0.70 acres and identified by PIN 352-01-04-0017. The lot is currently unincorporated and zoned Commercial Forest/Agriculture (CFA) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Low-Medium Density (R-1B) and will be heard concurrently.

Existing Conditions and Surrounding Land Uses:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Little River Neck Road, the parcel currently houses a single-family dwelling and a detached garage. Surrounding parcels within City limits are zoned R-1 and Planned Development District (PDD) within the Tidewater PDD; adjacent unincorporated county parcels are zoned MSF 14.5 Residential (MSF 14.5) and Commercial Forest Agriculture (CFA).

R-1B District

	Single-Family Dwelling	Church	Other Permitted Uses
Minimum Site Area	6,000 SF	1 acre	7,000 SF
Minimum Lot Width	50 feet	NA	NA
Minimum Yards	Front	25 feet	25 feet
	Side	5 feet	25 feet
	Rear	20 feet	25 feet
Maximum Impervious Surface Ratio	50%	60%	50%
Maximum Building Height	35 feet	45 feet	25 feet

Note:¹A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

Planning Commission Action:

As per the Zoning Ordinance Section 23-4, *Amendments*, the Planning Commission shall prepare a report and make recommendations on any proposed amendment to the North Myrtle Beach Zoning Ordinance, including the Zoning Map, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

- a) The relationship of the request to the Comprehensive Plan:

The Future Land Use map contained in the 2018 Comprehensive Plan recommends Residential Suburban as a land use class for the subject area. The principal permitted uses noted in the compliance index include primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots. The recommended primary zoning district is R-1; R-1A and R-1B are the secondary zoning district alternatives.

The proposed zoning designation, R-1B (Single-Family Low-Medium Density), is a recommended zoning district within the Compliance Index for the subject property.

- b) Whether the request violates or supports the Plan:

Chapter 5, “The Way We Grow,” of the 2018 Comprehensive Plan identifies the Residential Suburban future land use classification as follows: The purpose of this classification is to define, protect, and provide low density, single-family detached housing

areas where designated, and to prohibit any development that would compromise existing residential characteristics. In addition, these areas are intended to provide for in-fill and expansion of existing neighborhoods and subdivisions. Standards and densities for these areas are designated to reflect existing conditions. This area is also intended to allow incorporation of property west of the waterway at densities typical of inland development. Primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots, excluding large mobile home parks, are compatible uses here. This category allows up to five dwelling units per acre (du/acre).

The proposed R-1B zoning is consistent with the Residential Suburban land use classification found in the 2018 Comprehensive Plan.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

The purpose of the R-1B zoning district is, "To preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of 'lie development.'"

The uses permitted in the R-1B district would be appropriate in the area. Additionally, although parcels zoned R-1B are in the area, this district is not immediately adjacent to the parcel.

- d) Whether adequate public-school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place because of such change, and the consequence of such change:

Current public rights-of-way serve this area via the existing, SCDOT-maintained Little River Neck Road.

- e) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area:

Water and sewer services are available to the parcel.

As a matter of policy, no request to change the text of the ordinance or the map shall be acted upon favorably, except:

- (a) Where necessary to implement the comprehensive plan, or
- (b) To correct an original mistake or manifest error in the regulations or map, or
- (c) To recognize substantial change or changing conditions or circumstances in a particular locality, or
- (d) To recognize changes in technology, the style of living, or manner of doing business.

This petition for annexation and zoning designation is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting tentatively scheduled for January 3, 2022. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the reasons should be included in the report.

Staff Review:

Planning and Development, Planning Division

The Planning Division has no issue with the proposed petition for annexation and zoning.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed petition for annexation and zoning.

Public Works

The City Engineer has no issue with the proposed petition for annexation and zoning.

Public Safety

The Fire Marshall has no issue with the proposed petition for annexation and zoning.

Planning Commission Action:

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-21-35] as submitted.

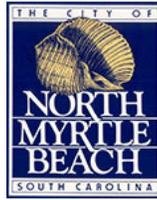
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-21-35] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-21-35
Complete Submittal Date:	November 10, 2021



Notice Published:	November 18, 2021
Planning Commission:	December 7, 2021
First Reading:	January 3, 2022
Second Reading:	February 7, 2022

City of North Myrtle Beach, SC

**Petition for Annexation &
Zoning**

GENERAL INFORMATION	
Date of Request: November 10, 2021	Property PIN(S): 35201040017
Property Owner(s): Hardee and Prince Contractors LLC	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 5164 Little River Neck Road North Myrtle Beach South Carolina	Project Contact: David Prince
Contact Phone Number: 8434579561	Contact Email Address: dp8653@sccoast.net
Current County Zoning: CFA	Proposed Zoning: R-1B
Total Area of Property: 0.7 Acres	Approximate Population of Area to be Annexed: 0
RECORDED COVENANT INFORMATION	
<p>I hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in South Carolina Code of Laws (§ 6-29-1145). <i>Applicant's E-signature: David Prince</i></p>	
<p>This form complies with a state law that took effect on July 1, 2007 (S.C. Code § 6-29-1145) that requires all planning agencies to inquire in an application for a permit if the parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If such a covenant exists, the agency shall not issue the permit until written confirmation of its release is received. The release must be through the action of an appropriate legal authority.</p>	

Prepared by: Robert H. Corley
Attorney at Law
Post Office Box 651
Mullins, SC 29574

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

TITLE TO REAL ESTATE

WHEREAS, ANNE BRITT ROGERS died testate on May 12, 2021, and her estate being administered in the Marion County Probate Court as Case Number 2021-ES-33-133;

WHEREAS, on June 9, 2021, JAMES FRANKLIN ROGERS, JR., was appointed as the Personal Representative of this Estate;

WHEREAS, the grantee has contracted with the decedent's Estate for the purchase of the decedent's property for the consideration hereinafter mentioned; NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS, that I, JAMES FRANKLIN ROGERS, JR., as Personal Representative of the Estate of ANNE BRITT ROGERS, for and in consideration of the sum of ONE HUNDRED EIGHTY-FIVE THOUSAND AND NO/ 100 (\$185,000.00) Dollars, to me paid by HARDEE AND PRINCE CONTRACTORS, LLC, in the State aforesaid, the receipt whereof is hereby acknowledged has, bargained, sold and release and by these presents, does grant, bargain, sell and release unto HARDEE AND PRINCE CONTRACTORS, LLC, its Successors and Assigns:

ALL AND SINGULAR all that certain piece, parcel or lot of land, situate, lying and being in Little River Township, Horry County, South Carolina containing 0.70 acre as shown on that certain plat prepared by Site Surveying, LLC entitled "Plat of 0.70 Acres Located in Little River Township, Horry County, South Carolina Being That Property Described in deed Book 3947 at Page 1975" surveyed for David H. Prince. A copy of said map is recorded in Plat Book 301 at Page 61 and re-recorded in Plat Book 301 at Page 251, records of Horry County, reference to which is incorporated herein as forming a part and parcel of this description.

Anne B. Rogers acquired the above described property subject to a life estate reserved to Bobbie S. Britt by deed from Bobbie S. Britt recorded in Deed Book 3947 at Page 1975, records of Horry County. Bobbie S. Britt (Bobbie Lee Britt) having died on November 8, 2016 as evidenced by Death Certification recorded in Deed Book 4141 at Page 366, records of Horry County.

Grantee's Address: 1311 Holly Street
North Myrtle Beach, SC 29582

TOGETHER with all and singular, the rights members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular in the premises before mentioned unto the said **HARDEE AND PRINCE CONTRACTORS, LLC**, its Successors and Assigns.

And I do hereby bind myself and my Heirs, and Assigns to warrant and forever defend all and singular the interest in the said premises unto the said **HARDEE AND PRINCE CONTRACTORS, LLC**, its Successors and Assigns, against me and my Heirs, and Assigns only lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 5th day of November, 2021.

WITNESSES:

Brooke Emerson

[Signature]

ESTATE OF ANNE BRITT ROGERS

BY: [Signature]
JAMES FRANKLIN ROGERS, JR.
Personal Representative

STATE OF SOUTH CAROLINA

COUNTY OF MARION

ACKNOWLEDGEMENT

I, Robert H. Corley, a Notary Public do hereby certify that
(Print Notary's Name)
James Franklin Rogers, Jr., as Personal Representative of the Estate of Anne Britt Rogers, the
within named Grantor(S), personally appeared before me this day and acknowledged the due
execution of the forgoing instrument.

WITNESS, my hand and official seal this 5th day of November, 2021.

[Signature]
Notary Public for South Carolina
My Commission Expires: 11/26/26

ROBERT H. CORLEY
Notary Public
State of South Carolina
My Commission Expires Nov 26, 2026
Notary Public Printed Name or Seal

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)..... **AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2 The property being transferred is located in Marion County, SC bearing Marion County TMS# 1310004005 from JaMESf RANKLIN Rogers, Jr., as Personal Representative of the Estate of Anne Britt Rogers dated November 5, 2021.

3. Check one of the following: The deed is
(a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) exempt from the deed recording fee because (See Information section of affidavit)
(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes or No .

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):
(a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of **\$185,000.00**
(b) The fee is computed on the fair market value of the realty which is _____
(c) The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____

5. Check Yes or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____

6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here: \$185,000.00
(b) Place the amount listed in item 5 above here: 0
(If no amount is listed, place zero here.)
(c) Subtract Line 6(b) from Line 6(a) and place result here: \$185,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is **\$684.50**

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: **ATTORNEY**

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

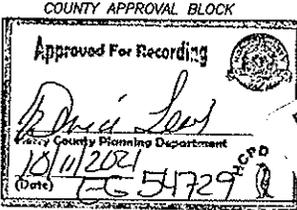
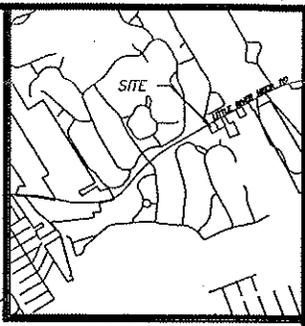
SWORN to and subscribed before me this
5 day of November, 2021
Brooke Emerson
Brooke Emerson
Notary Public for: SC
My Commission Expires: 11/22/2023

[Signature]
Responsible Person Connected with this Transaction

[Signature]
Robert H. Corley

RE-RECORDED TO CORRECT DATE ON PLAT
 CERTIFICATE OF OWNERSHIP AND DEDICATION
 THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I (A (WE ARE) THE OWNER (S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

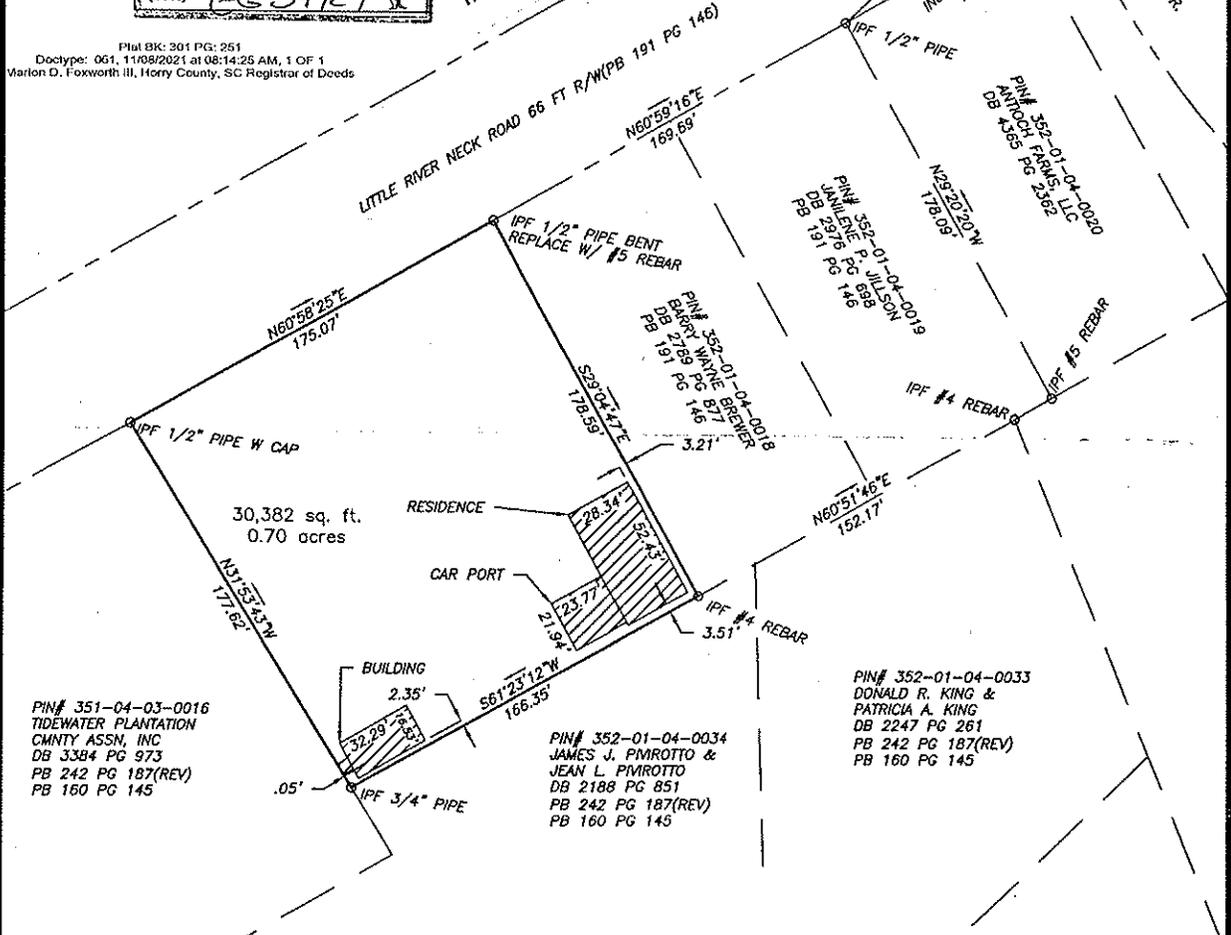
(NAME) James F. Prince Jr (SIGNED) [Signature] (DATE) 9-30-21
 (NAME) James D Rogers (SIGNED) [Signature] (DATE) 9-30-21
 (NAME) Brittany Johnston (SIGNED) [Signature] (DATE) 9/30/21



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 Marion D. Foxworth III
 Horry County, SC Registrar of Deeds

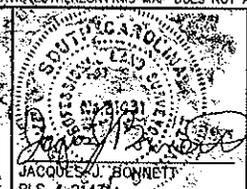
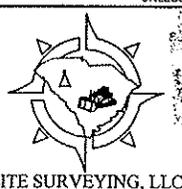
REF PB 160 PG 145

Plat BK: 301 PG: 251
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 Marion D. Foxworth III, Horry County, SC Registrar of Deeds



PLAT
 OF 0.70 ACRES LOCATED IN LITTLE RIVER TOWNSHIP, HORRY COUNTY, SOUTH CAROLINA BEING THAT PROPERTY DESCRIBED IN DEED BOOK 3947 PAGE 1975, SURVEYED FOR:
DAVID H. PRINCE
 OWNER OF RECORD: ANNE B. ROGERS

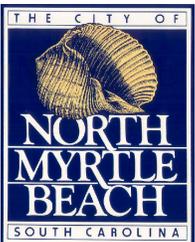
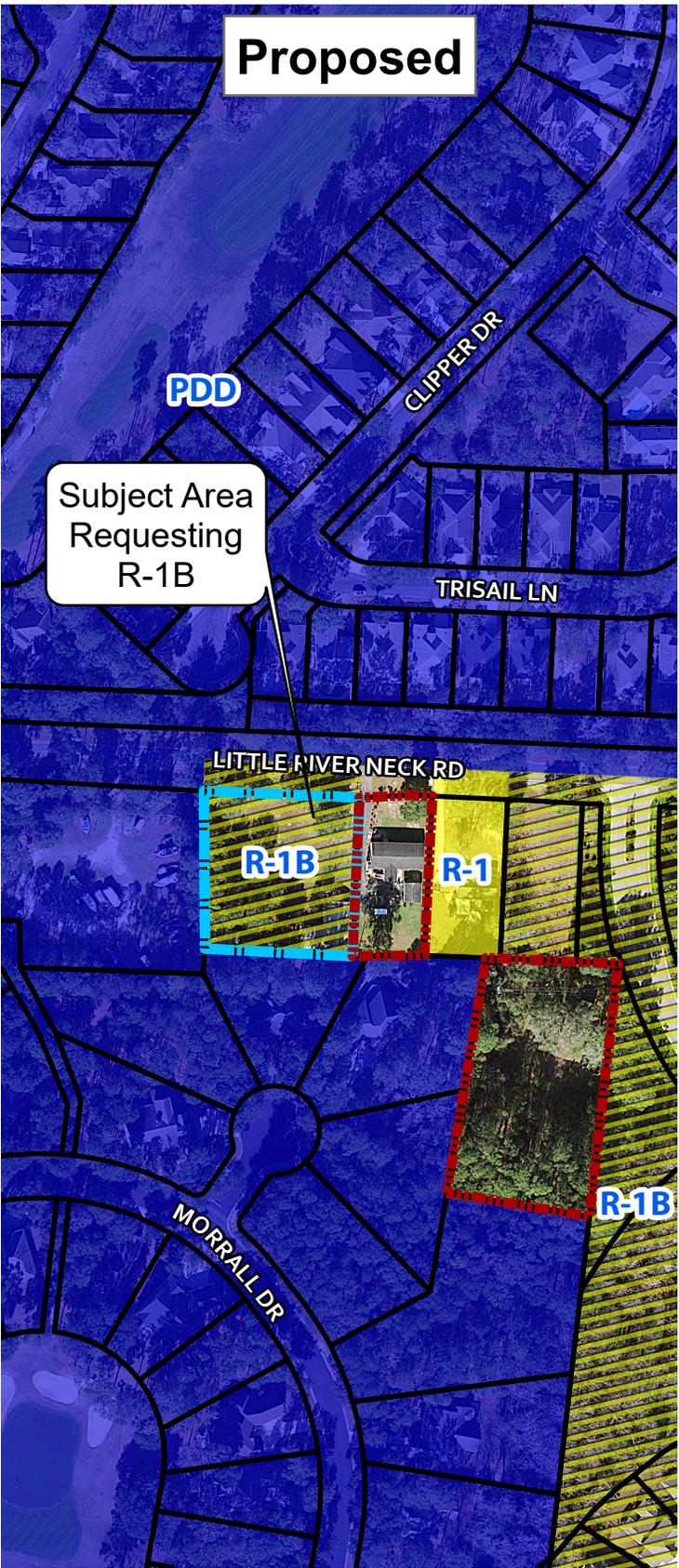
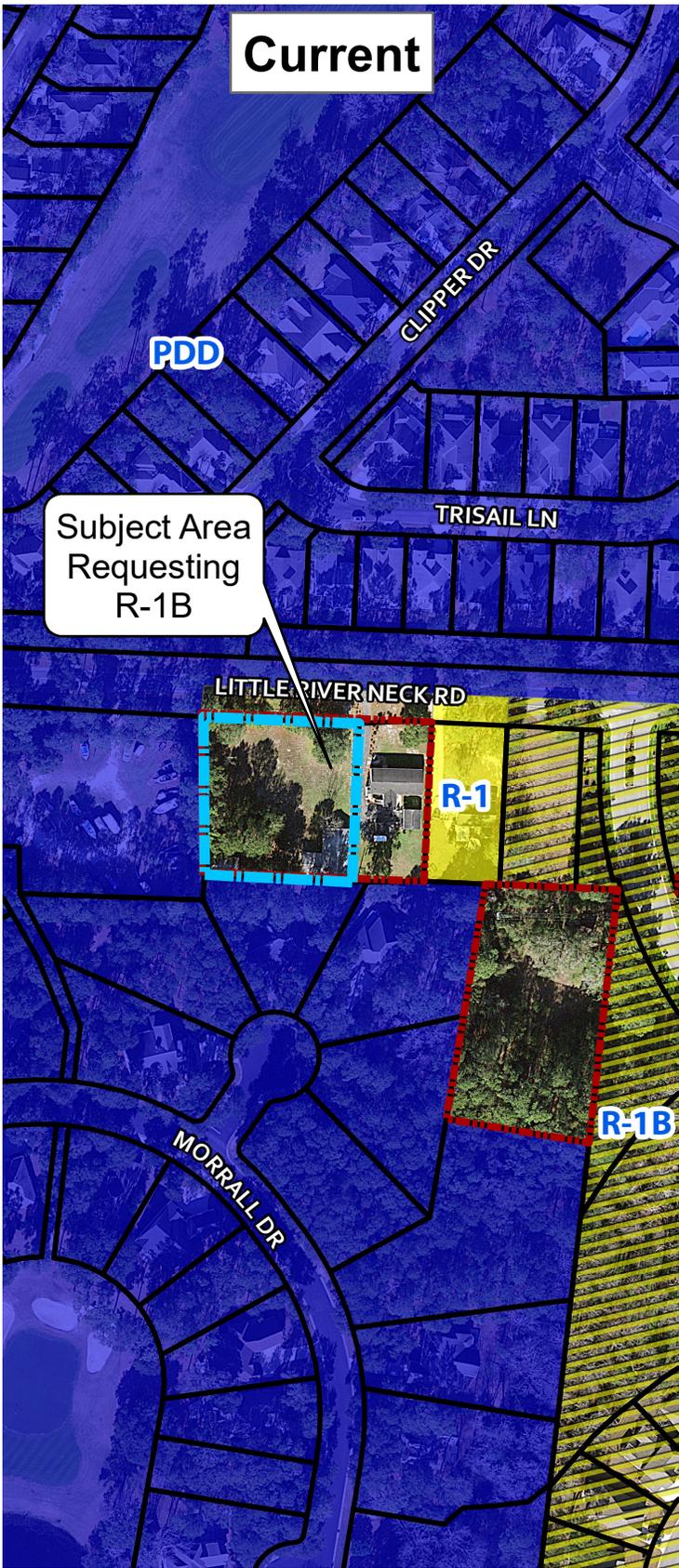
I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN THE SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO ENCORACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN. ALSO I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD MAP 15051C0601H... EFFECTIVE DATE AUGUST 23, 1999 AND FOUND THE SUBJECT PROPERTY TO BE IN ZONE X SEPTEMBER 9
 UNLESS NOTED THEREON THIS MAP DOES NOT ADDRESS ENVIRONMENTAL CONCERNS OR SUBSURFACE INVESTIGATION.



SITE SURVEYING, LLC
 111 WHITE OAK FOREST PL
 CONWAY, SC 29527
 PHONE: (843) 397-8000
 MOBILE: (843) 319-8169
 EMAIL: joy@kingsinc.com



DATE: NOVEMBER 13, 2021
 JOB NO: 21041-BOUND
 REVISION: 1 DATE: 9-28-21
 FLD BK: PAGE:
 PIN# 352-01-04-0017
 TAX MAP #: 131-00-04-005
 SCALE 1" = 50 FT.
 GRAPHIC SCALE



Legend

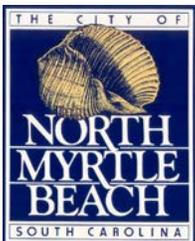
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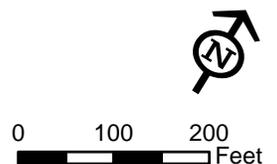
Exhibit A: Zoning Map (Z-21-35)



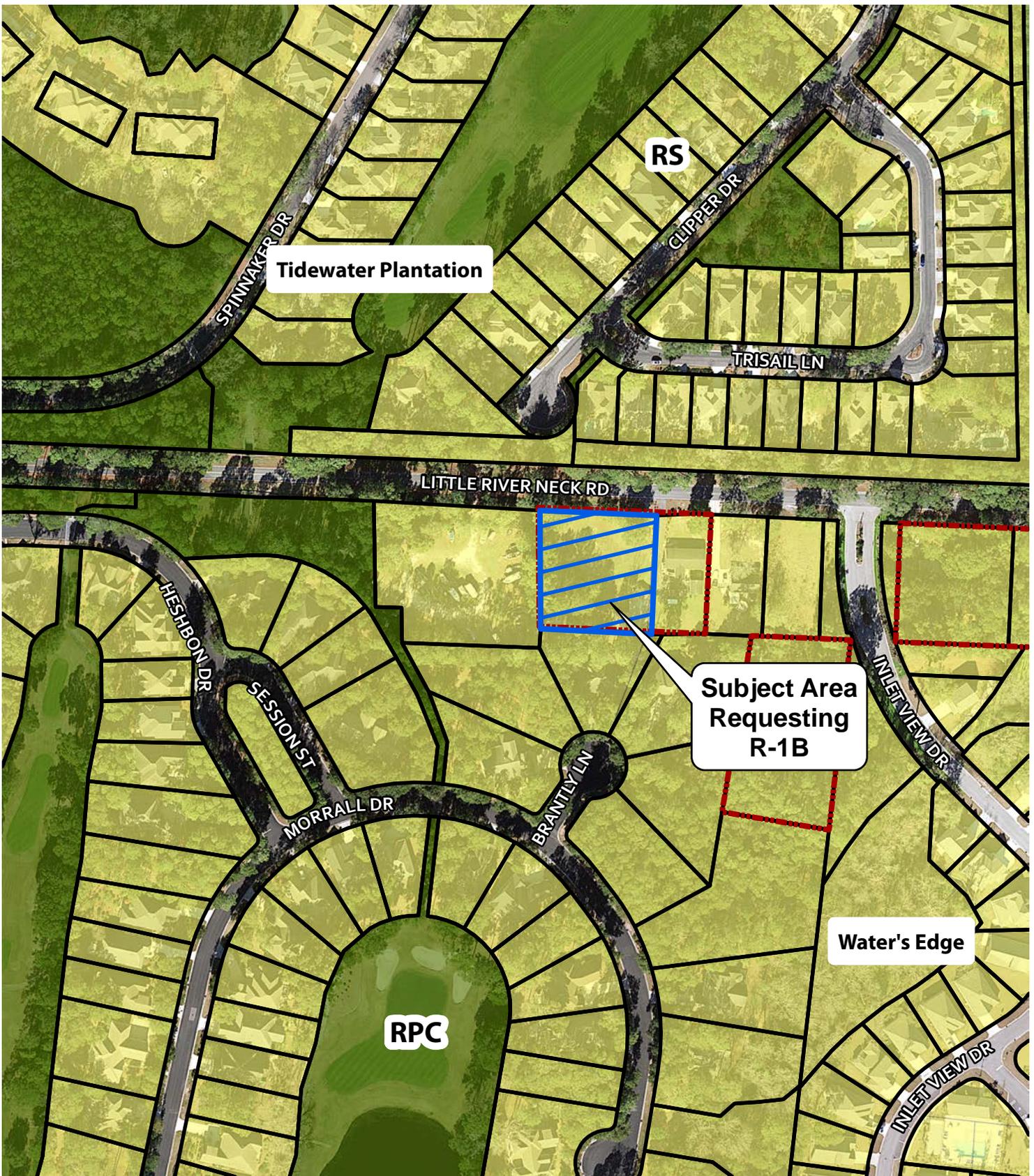
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|---|--------------------------|---|-------------------|---|---------------|
|  | Subject Area |  | Commercial |  | Multi-Family |
|  | North Myrtle City Limits |  | Common Open Space |  | Single-Family |
|  | Existing Land Use |  | Golf Course |  | Vacant |
|  | Amenity Area | | | | |

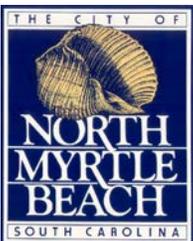


Future Land Use Map (Z-21-35)



Legend

-  Subject Area
-  North Myrtle City Limits
- 
- Recommended Future Land Use Categories**
-  CC - Conservation Community
-  RPC - Resource, Protection, Conservation
-  RS - Residential Suburban



Future Land Use Map (Z-21-35)

